



June 17, 2021

To: Regulatory Commission of Alaska

From: Alaska Public Interest Research Group

RE: Regulatory Commission of Alaska dockets R-20-001, R-20-002, and R-20-003

The Alaska Public Interest Research Group (AKPIRG) is writing to respond to yesterday's public meeting regarding the proposed regulations for the above dockets. AKPIRG, established in 1974, advocates on behalf of public and consumer interests. To our knowledge, we are the only non-governmental organization focused on addressing Alaska-specific consumer interest issues.

First, AKPIRG extends our thanks to the Commission for considering and incorporating various aspects of our public comments. We also want to thank the RCA staff for their time and efforts as well, especially the work that went into summarizing, transcribing, scheduling, and tracking for these regulations.

Second, AKPIRG seeks to provide a response to RCA staff recommendations and yesterday's public meeting. Specifically, with respect to 3 AAC 46.230. Integrated resource plan requirements subpart (6) and (11). Given prior RCA meeting transcripts,¹ it is our understanding that the basis of these sections comes from the requirements in the statute to define cost effectiveness and greatest value. The proposed regulations noticed for public comment were a distillation of numerous conversations and considerations, so it is prudent to temper any concerns about legislating special interests and the ever-present desire and important task of being increasingly succinct in the final stretch of rulemaking.

With respect to greatest value, the addition of the language "one or more of the following" in subpart (6) greatly weakens the concise conceptual approach the RCA took to define greatest value with limited criteria throughout this process by allowing consideration of these factors to be more or less voluntary and cherry-picked. Some might say "fine-tuned," but these explicit criteria already come from the substance of public comments and the Commission's experience and wisdom during this process--these criteria are not about legislating any particular policy interests; rather they were specifically extracted and already condensed from the thought-out list in subpart (4) regarding cost effectiveness and the statute itself. To loosen the holistic consideration of these criteria when determining greatest value in subpart (6) sacrifices substance from the statute and cohesion between subparts (4) and (6) for the sake of editing. AKPIRG

¹ 4/8/21 Meeting Transcript, pg. 248-253

<http://rca.alaska.gov/RCAWeb/ViewFile.aspx?id=8191C233-CA94-4C2B-89CE-954A136682B5>

3/10/21 Meeting Transcript, pg. 99-110

<http://rca.alaska.gov/RCAWeb/ViewFile.aspx?id=0146A4C1-7698-42C0-861A-5230F6378989>

asks that the Commission continue to consider this before concluding their incorporation of public comments.

Furthermore, the recommendation to delete subpart (11) in this same provision neglects prior Commission discussion about the removal of public interest from the explicit criteria in subpart (6) as it was included elsewhere in the provision, presumably subpart (11) (as per AS 42.05.780(a) which states the IRP must be consistent with the public interest).

Finally, while RCA staff accepted AKPIRG's proposal for certain provisions to make it clear that waivers to various requirements granted on the Commission's own motion are based on the public interest, many other provisions did not ultimately include this updated language. While AKPIRG's public comments suggested certain sections for this change, we also requested that our proposed amendment be applied throughout the regulations where similar language could be found. For consistency purposes and the public interest considerations imbedded within the topics of updates, continuing requirements, and public meetings, AKPIRG requests that the Commission also make it clear that such waivers granted on the Commission's own motion are based on the public interest for the remaining provisions which the same waiver language is present but remains unchanged:

- **3 AAC 46.060. Certification of an electric reliability organization with a balanced stakeholder board;**
- **3 AAC 46.070. Certification of an electric reliability organization with an independent;**
- **3 AAC 46.110. Meetings and record retention requirements;**
- **3 AAC 46.170. Continuing requirements;**
- **3 AAC 46.250. Integrated resource plan update;**
- **3 AAC 46.270. Large project preapproval.**

Thank you for your time and consideration.

Respectfully,

A handwritten signature in black ink, appearing to read 'Alyssa Sappenfield', written over a light gray rectangular background.

Alyssa Sappenfield
Energy Analyst
Alaska Public Interest Research Group (AKPIRG)